GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Sri Erimiya Raju, the then Deputy Secretary to Government, Health, Medical &Family Welfare Department and presently working in Backward Classes Welfare Department - Departmental proceedings under rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal Rules) 1991 - Articles of Charge - Issued.

GENERAL ADMINISTRATION (SC.D) DEPARTMENT

G.O.Rt.No. 845 Dated:02.05.2023.

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O R D E R

It is proposed to hold an enquiry against Sri Erimiya Raju, the then Deputy Secretary to Government, Health, Medical & Family Welfare Department and presently working in Backward Classes Welfare Department in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Articles of Charge (Annexure-I), imputations of misconduct or misbehaviour (Annexure-II), list of documents (Annexure-III) and list of witnesses (Annexure IV).

3. Sri Erimiya Raju, the then Deputy Secretary to Government, Health, Medical & Family Welfare Department and presently working in Backward Classes Welfare Department is directed to submit a written statement of his defence within fifteen (15) days of the receipt of this order.

4. Sri Erimiya Raju, the then Deputy Secretary to Government, Health, Medical & Family Welfare Department and presently working in Backward Classes Welfare Department is informed that an inquiry will be held only if the articles of charge are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri Erimiya Raju, the then Deputy Secretary to Government, Health, Medical & Family Welfare Department and presently working in Backward Classes Welfare Department is further informed that if he does not submit his written statement of defence on or before the date specified in para (3) above, further action will be processed based on the material available.

6. Attention of Sri Erimiya Raju, the then Deputy Secretary to Government, Health, Medical & Family Welfare Department and presently working in Backward Classes Welfare Department is invited to rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri S.Ermiya Raju, the then Deputy Secretary to Government, Health, Medical &Family Welfare Department and presently working in Backward Classes Welfare Department is aware of such a representation and it has been made at his instance and action will be taken against him for violation of rule 24 of the A.P. Civil Service (Conduct) Rules, 1964.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY
CHIEF SECRETARY TO GOVERNMENT

To
Sri Erimiya Raju, Deputy Secretary to Government, Backward Classes Welfare Department (through the Backward Classes Welfare (OP) Dept. with acknowledgment due)

(PTO)

The Backward Classes Welfare (OP) Department (with a request to send the dated acknowledgment)

Copy to:

The General Administration (SC.F) Department

SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER (SC)

G.O.Rt.No.845, General Administration (SC.D) Department, Dated:02.05.2023

ANNEXURE – I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI SALAGALA ERIMIYA RAJU, THE THEN DEPUTY SECRETARY TO GOVERNMENT, HEALTHY MEDICAL & FAMILY WELFARE DEPARTMENT, AND PRESENTLY WORKING IN BACKWARD CLASSES WELFARE DEPARTFMENT, AP SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.

That Sri Salagala Erimiya Raju, the then Deputy Secretary to Government, Health, Medical & Family Welfare Department and presently working in Backward Classes Welfare Department (here-in-after referred to as Government Servant) while functioning as Health Medical & Family Welfare Department, AP Secretariat, Velagapudi during the period between 15.04.2019 to 06.01.2020 committed grave misconduct in as much as.

Article of Charge:

"That the Government Servant in abuse of his official position visited KIMS hospital, 5th lane, Gunturivarithota, Guntur of the wife of the complainant Dr. Y. Kiran Kumar on 04.11.2019 and in OP room he demanded an amount of Rs.10,00,000/- from the complainant and an amount of Rs. 1-2 lakhs as advance in bribe amount by threatening the complainant in the guise of negative orders in respect of the official favour pending with the Government Servant Consequent to his demand of bribe, on 20.11.2019 the Government Servant again visited KIMS hospital, 5th lane, Gunturivarithota, Guntur of the wife of the complainant and in OP room, the Government Servant further demanded and accepted bribe of Rs.50,000/- as advance for doing the official favour of processing the representation of the complainant for the implementation of the recommendations of the Vigilance Joint director (Social Welfare), Government of Andhra Pradesh and the Hon'ble National commission for Scheduled Castes, Government of India, New Delhi with regard to the promotion/notional seniority of the complainant".

Thus, the Government Servant Sri Salagala Erimiya Raju, the then Deputy Secretary to Government, Health, Medical & Family Welfare Department and presently working in Backward Classes Welfare Department by his above-mentioned acts exhibited lack of devotion to duty, failed to maintain integrity, behaved in a manner unbecoming of a Government Servant and brought down the prestige of the Government and thereby violated/ contravened Rules 3 (1) & 3(2) of APCS (conduct) Rules, 1964.

Dr. K.S. JAWAHAR REDDY
CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER (SC)

ANNEXURE –II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI SALAGALA ERIMIYA RAJU, THE THEN DEPUTY SECRETARY TO GOVERNMENT, HEALTH, MEDICAL & FAMILY WELFARE DEPARTMENT AND PRESENTLY WORKING IN BACKWARD CLASSES WELFARE DEPARTMENT, AP SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.

Sri Salagala Erimiya Raju, S/o Jesu Dass, Age: 59 years, is a native of Chinnaganjam Village, Chirala of Prakasam District. His date of birth is 01.01.1965. He entered into Government service as a Jr. Accountant in Accounts Branch, O/o. The Commissioner of Collegiate Education, Hyderabad. He worked as Deputy Secretary to Government, Health Medical & Family Welfare Department w.e.f. 15.04.2019 till the date i.e., on 06.01.2020. He is drawing Basic Pay of Rs. 61,450/- (56,870/- to 1,05,810/- as per the PRC 2015). His retirement is on 31.12.2026 AN on attaining the age of superannuation. He is hereinafter referred to as Government Servant (GS).

Article of Charge:

"That the Government Servant in abuse of his official position visited KIMS hospital, 5th lane, Gunturivari thota, Guntur of the wife of the complainant Dr. Y. Kiran Kumar on 04.11.2019 and in OP room he demanded an amount of Rs.10,00,000/- from the complainant and an amount of Rs. 1-2 lakhs as advance in bribe amount by threatening the complainant in the guise of negative orders in respect of the official favour pending with the Government Servant Consequent to his demand of bribe, on 20.11.2019 the Government Servant. again visited KIMS hospital, 5th lane, Gunturivari thota, Guntur of the wife of the complainant and in OP room, the Government Servant further demanded and accepted bribe of Rs.50,000/- as advance for doing the official favour of processing the representation of the complainant for the implementation of the recommendations of the Vigilance Joint director (Social Welfare), Government of A.P. and the Hon'ble National commission for Scheduled Castes, Government of India, New Delhi with regard to the promotion/notional seniority of the complainant".

Facts and Evidence:

On 23.12.2019, The Complainant Dr. Y. Kiran Kumar, Professor of Surgery, Old Government General Hospital, Vijayawada r/o. Guntur came to ACB Office, Guntur and presented a complaint stating that Sri Salagala Erimiya Raju, the then Deputy Secretary to Government, Health, Medical & Family Welfare Department and presently working in Backward Classes Welfare Department has demanded bribe amount of Rs.10 lakhs from him on 4.11.2019 and accepted advance amount of Rs.50,000/-on 20.11.2019 at KIMS Hospital, Guntur, to implement Vigilance Report (SWD) & Minutes of Hon'ble National Commission for SCs, Government of India, New Delhi, in favour of the Complainant with regard to his promotion and to circulate the file to CM Office.

After observing all legal formalities, the Inspector Range -II, ACB, Guntur registered the complaint as a case in Cr. No. 01/RCO-ACB-GNT/2019 U/s 7(a) of the Prevention of Corruption (Amendment) Act 2018 of ACB, and Sec. 506 IPC Guntur District on 06.01.2020 at 12.00 hours and took up investigation.

During the course of the investigation, as many as 06 witnesses including the complainant were examined and their detailed statements are recorded U/s 161 Cr.P.C. The statement of the complainant i.e. LW.1 and LW.2 (direct witness to the offnce) was also got recorded by the Hon'ble V Addl. Junior Civil Judge, Guntur U/s 164 Cr.P.C on 29.02.2020. The files pertaining to the official favour in respect of the complainant are secured from the office of the Government Servant i.e. Health, Medical & Family Welfare Department wherein it was elicited that the Government Servant has dealt with the official favour file pertaining to the complainant.

As the investigation conducted in this case has made out a prima-facie case

against the Government Servant, he was arrested on 29.10.2020 at 12.00 Noon in the O/o the Addl. SP., ACB., Guntur in the presence of two mediators after explaining the grounds for his arrest and sent for judicial custody. The Government Servant was released on bail on 20.11.2020 granted by the Hon'ble Spl. Judge for SPE & ACB Cases, Vijayawada.

During the course of the investigation, a memo has been filed before the Hon'ble Spl. Judge for SPE & ACB Cases, Vijayawada with a request to record the sample voice of the Accused Officer, so as to get the same compared with the voice of the Government Servant in the Video and Audio files in the CD.

ORAL EVIDENCE :

During the course of investigation, the following witnesses were examined and their detailed statements are recorded u/s. 161 Cr.P.C.

1) **Dr. Yekula Kiran Kumar, s/o. Late Raja Rao, aged 57 years, Professor of Surgery, Old Government General Hospital, Vijayawada C/O. Dr. K. Vanaja, KIMS Hospital, Old Club Road, 5th Lane, Gunturi Vari Thota, Guntur.Cell No. 9848136173**

On examination he corroborated his statement in all material aspects and added that he has given a representation to the Home minister, Health minister and Health secretary on 02.07.2019 regarding a "Big Reservation Scam" happened in the department of Director of Medical Education from 2003 to 2013 in Direct Recruitments, Surrendering of Doctors, promotions as professors, Associate professors in the office of DME and Department of Health, Medical & Family Welfare, Andhra Pradesh.

In this regard Social Welfare Department conducted a Vigilance enquiry on 19.04.2012 & 20.04.2012 and the vigilance officer pointed out many illegal acts and irregularities and violations of G.O. Ms. No.2 SWD in his 11 page report to the government of A.P. In this regard 2 criminal cases of SC/ST Act (242/2011 & 226/2014) were registered against the corrupt officers. The Government of A.P, Health, Medical & Family Welfare Department gave a memo to DME 6110 / 2012 dated 13.09.2012, to rectify all the irregularities pointed out by the vigilance officer, but did not initiate any disciplinary action on the culprits. The DME gave Notional Promotion orders on 02.01.2013 but withdrew the same in less than an hour and produced a false and fabricated report to Government and to Hon'ble Court to save the accused in the crime FIR No:242/2011.

The Hon'ble National Commission for Scheduled Castes, New Delhi conducted an enquiry in this regard and confirmed the irregularities, in their judgment dated 22.06.2015 and ordered for implementation of Vigilance report and Government of Andhra Pradesh, Health, Medical & Family Welfare Department Memo 6110 / A2 / 2011 dated 13.09.2012 in toto. The previous health secretary Smt. Punam Malakondaiah and others are deliberately & illegally protecting the accused in two criminal cases FIR No: 242/2011 & FIR No: 226/2014 for the last 4 years without taking any legal action and departmental enquiry, by disobeying the orders of Hon'ble N.C.S.C, New Delhi.

In this regard, he approached the Hon'ble Home Minister Smt. M.Sucharitha for requesting CBI /CID Enquiry on 02.07.2019.

The Hon'ble Home Minister ordered a CID Police Enquiry on the total issue on 20.07.2019. But no action, no FIR, no investigation was initiated by the Police officers of CID, Government of A.P and wrote a letter to Health Minister and Health Secretary requesting to implement Vigilance report and Hon'ble NCSC, Government of India, New Delhi judgment, on 20.07.2019. But no action was initiated by Health Minister and Health Secretary.

The Health, Medical & Family Welfare Department, & Director of Medical Education for the last 4 years did not implement these Vigilance reports & Hon'ble National Commission for Scheduled Castes, Government of India, New Delhi. The DME office repeatedly produced 4 false and fabricated reports to the government and to the Hon'ble Courts. In this regard, he approached Hon'ble Chief minister's office twice on 03.07.2019 & 05.11.2019.

The CMO office vide their letters dt. 30.07.2019 05.11.2019 to the Principal Secretary CMP No. 1080 / Spl CS / 2019 questioned "why the vigilance report (SWD) & Hon'ble NCSC, New Delhi report were not implemented", "Circulate the file with detailed report"

Hon'ble Home Minister Smt. M. Sucharita also wrote a letter to the Health Secretary / Health Minister - Note. 499 /Camp / minister / (Home) 2019 dated 30.07.2019 requesting to implement Vigilance report & Hon'ble NCSC judgment in his favour and post him to Guntur.

Disobeying the orders of the Hon'ble Chief Minister's office & Hon'ble Home Minister, the Health Secretary, Deputy Secretary & DME and others kept his file pending for the last 4 months.

As the file is pending at the DS office and Section, his brother in Law Mr. Anand approached the D.S S.Erimiya Raju. The Deputy Secretary HM & FW Sri. S.Erimiya Raju without circulating the file deliberately demanded 10-(Ten) lakh rupees money to circulate the file and to implement the Vigilance report & Hon'ble NCSC, Judgment and to post him to GGH / GMC Guntur.

On 4.11.2019, Sri. S.Erimiya Raju Garu came to his house/KIMS hospital, 5th lane, Gunturvarithota, Guntur around 8 pm. He has explained his issue in detail. Later they went to Mayuri hotel on Vijayawada -Guntur road for dinner. Thereafter, they moved for more than 2 hours in the car. At about 0.30 A.M on 05.11.2019, he recorded the money discussions that happened in his cell phone. Wherein, Sri. S.Erimiya Raju demanded 10 (Ten) lakh rupees to clear the file. He demanded 1-2 lakhs rupees in advance. He said, pay some money in advance, then only he will go through the file and tell the plan of action. He demanded 10 lakhs rupees to clear the file. He demanded 1-2 lakh rupees as advance then only he wants go through the file and tells the plan of action.

He was worried a lot about the happenings, even after the CM office & Home Minister wrote letters twice, the Deputy Secretary not only delayed his files but also demanded 10 lakh rupees money. He was in a critical position. If he don't pay money, the Government Servant will definitely harm him.

On 20.11.2019 the Deputy Secretary, Sri. S.Erimiya Raju again came to his house around 9 pm. He requested the D.S Erimyia Raju, "Sir please consider, that he will pay 50,000.00 as a token advance, the remaining balance he will pay after GO is issued".

As there is no option, with a lot of hesitation, even he is against corruption; he was forced to pay 50.000/- to the Government Servant in his Wife's Hospital O.P room. He paid twenty 2000/- rupee notes (40,000) and twenty 500/- denomination (10,000).

The A.O said that they have to settle 3 issues

- Notional promotion as Associate Professor, Professor & HOD
- Posting at GMC/GGH, Guntur
- Salary for the last 3 years as the department not given posting

He took 50,000/- and he demanded 2 lakhs in a few days and the remaining 8 lakhs at the end.

All these transactions and negotiations happened in his wife's hospital O.P Chamber; it was recorded in the CC Camera present in the Hospital OP Room. He also recorded the voice in his cell phone on 4th night 5th early hours and on 20th of November 2019.

Our Hon'ble Chief Minister Sri. Y. S. Jagan Mohan Reddy garu taking all measures to stop corruption at all levels. But spoiling our Hon'ble C.M vision some of the corrupted officers like S.Erimiya Raju are still demanding money for doing justice to the victims even at the secretariat level. They are deliberately damaging the reputation of our beloved Chief Minister administration.

He thought of approaching A.C.B Police before the crime incident. He was very scared to approach ACB, as CID Police did not respond to the Hon'ble Home Minister's order for the last 4 months. They neither registered the FIR nor seized the tampered documents and 4 false reports. Thereafter, he approached ACB office, Guntur and the ACB officials recorded his statement and registered the same as a case in Cr.No.01/RCO-ACB-GNT/2020 on 06.01.2020 under section 7(a) of Prevention of corruption(Amendment) Act, 2018 and 506 IPC and took up investigation.

The complainant further stated that with regard to his grievances, he submitted numerous applications to various dignitaries, filed cases both in Police Stations and courts, but justice was not done to him etc. facts.

The Statement of the complainant was got recorded U/S. 164 Cr.P.C. on 29.02.2020 by the Hon'ble V AJCJ, Guntur and he fared well in favour of the prosecution.

2) Sri Mandagani Mahesh s/o Yogaiah, aged 25 years, near Gandhi Bomma Center, Old Guntur, Compounder C/O. KIMS Hospital, Old Club Road, 5th Lane, Gunturi Vari Thota, Guntur. Cell No. 9100155053

On examination he stated that he is working as Compounder in KIMS Hospital, 5th lane, Gunturuvari Thota, Guntur since 4 years. Dr. Vanaja W/O. Dr. Y. Kiran Kumar is maintaining the hospital and they are residing in the last floor of the building. There is a OP room to Dr. Vanaja in the hospital and CC Camera is fitted in the room. Dr. Y. Kiran Kumar used to meet his visitors in the OP room of his wife. Usually he is being allotted to duty at OP room of Dr. Vanaja. In the night shift of 04-11-2019 when he was on duty at the OP room of Dr. Vanaja, two persons visited the OP room and then he enquired about them. One among them replied that he was the relative to Dr. Y. Kiran Kumar and the other was Sri S.Erimiya Raju working in Secretariat and requested him to inform their arrival to Dr. Y. Kiran Kumar. Accordingly he informed their arrival to Dr. Y.Kiran Kumar. Dr. Y. Kiran Kumar came down to the OP room, met both of them. On hearing the conversation, he came to know that the conversation was with regard to the promotion of Dr. Y. Kiran Kumar. After some time three of them went out in a car. On 29.11.2019 at about 9-00 p.m. the same two persons visited the OP room, met Dr. Y. Kiran Kumar and had a long talk with him. He added that he observed that Dr. Y.Kiran Kumar was paying some cash to them. Later he came to know that Sri S.Erimiya Raju, employee of Secretariat has demanded and accepted bribe of Rs.50,000/- from Dr. Y. Kiran Kumar etc. facts.

The Statement of Sri M. Mahesh was got recorded U/S. 164 Cr.P.C. on 19.12.2020 by the Hon'ble V AJCJ, Guntur and he fared well in favour of the prosecution.

3) Sri Rudramalla Ananda Babu S/o Abraham (Late) 41 years, R/o 16-5-125/t, Christianpet, Behind RTC bus stand, Old Guntur Phone No. 9346695873.

On examination, he stated that he is a resident of Chiristianpet, behind APSRTC bus depot, Old Guntur and working as Jr. Asst. in Stall Girls High School,

Nagarampalem, Guntur since 2000. The complainant and his wife are his distant relatives, doctors and maintaining kocher's Institute of Medical Sciences, 5th lane, Gunturvari thota, Guntur. He and his family members used to take treatment in the above hospital and thereby he is having much acquaintance with the complainant. In 2019 when he met the complainant in his hospital, the complainant told him that the issue of his promotion is pending in A.P., Secretariat, Velagapudi in HM&FW Department. He used to participate in the programmes of Dalith Employees Association Guntur and thereby he became close to the Government Servant for long time. As the Government Servant is the concerned Deputy Secretary to deal with the promotion file of the complainant, on 05.11.2019 he along with the Government Servant went to the hospital of the complainant in the night. When both of them met the complainant in the O.P room of the wife of the complainant, the Government Servant demanded an amount of Rs. 10 Lakhs to process and to ensure favorable orders on the notional promotion file of the complainant and demanded for an advance 1-2 lakhs from the complainant to study the file and to ensure the issuance of notional seniority order in respect of the complainant by implementing vigilance report and the orders of Hon'ble National Commission for Scheduled Caste.

Again On 20.11.2019 at 9 PM himself and the Government Servant went to the O.P room of the wife of the complainant. Then the complainant requested the accused to consider advance of Rs. 50,000/- and will pay the remaining balance after G.O., is issued. The A.O obliged for the same, accordingly the complainant has paid an amount of Rs. 50,000/- to the Government Servant In fact the amount of Rs. 50,000/- was given by the complainant to him when he sat infront of his table to pass on the amount to the Government Servant Accordingly he handed over the wad of currency note containing Rs. 50,000/- to the Government Servant in presence of the complainant in the same occasion. He did not know any further proceedings in this issue.

4) **Dr. K. Vanaja W/o Dr. Y. Kiran Kumar, Managing Director, KIMS Hospital, Old Club Road, 5th Lane, Gunturi Vari Thota, Guntur.**

On examination, she corroborated the version of Dr. Y. Kiran Kumar in all material aspects, further stated that her husband has filed a case against the Government Servant in A.C.B., Guntur District and etc.

5) Sri Manthu Anjaneya Reddy S/O. Subba Reddy, 41 yrs, Section Officer, A-Section, Health, Medical and Family Welfare Department, A.P. Secretariat, Velagapudi.

On examination, he stated that he is working as Section Officer to A-Section in Health, Medical and Family Welfare Department, A.P. Secretariat, A.P. Secretariat, Velagapudi. Prior to that he worked in Water Resources Department. As per the records of their Department, Sri S.Erimiya Raju, Deputy Secretary has worked in HM & FW Dept., (i) as Section Officer from 09.04.2007 to 23.09.2010, (ii) as Assistant Secretary to Govt. from 31.05.2013 to 15.04.2019 and (iii) as Deputy Secretary to Govt. from 15.04.2019 to 09.12.2019.

He added that he perused the files in C.No. 6110/A1/2011 pertaining to the promotion of Dr. Y. Kiran Kumar in Vol. NOs. I to III. As per the file in Vol. No. I containing of pages 1 to 408 which is the correspondence file pertaining to the subject of promotion to Dr. Y. Kiran Kumar, on 31.03.2011 the complainant Dr. Y. Kiran Kumar, Professor of Surgery, Guntur Medical College, Guntur has submitted his representation to the DME, A.P., Hyderabad alleging that there were many irregularities in implementing the roster points in the list of candidates for the promotion as Associate Professor in the panel years 2003-04, 2005-06. He further alleged that his name which has to be fixed at roster point No.7 was not fixed and much injustice was caused to him and finally requested to allocate roster point No.7 to him in the panel years 2003-04, 2005-06.

Dr. Y. Kiran Kumar enclosed copy of orders of the DME, A.P., Hyderabad vide proceedings in R.C.No. 22163/E1-A/2006, dt. 05.09.2006 wherein his name was placed at Sl.No. 15 in the list of candidates i.e., Asst. Professors of Surgery promoted as Associate Professors of General Surgery.

Dr. Y. Kiran Kumar also enclosed the order dated. 30.12.2009 in O.A. No. 1777 of 2009 with M.A.No 1725/2009 filed by him before the A.P.A.T., Hyderabad. Perusal of the order reads that "as the reversion orders of the applicant dated. 09.06.2009 has already been set aside by the Tribunal in O.A. No. 7037/2005 by an order dated. 25.04.2006, the applicant should be deemed to continue as Associate Professor in view of promotion orders dated. 06.08.2004 and inclusion of applicant's name in the impugned order is not at all required. Hence, the said name is quashed from the impugned order dated. 05.09.2006 and the applicant should be deemed to have been continued as Associate Professor from 06.08.2004 as promotions were temporarily given and that cannot be taken into account for finalizing seniority. In view of the respondents stating that seniority list have been prepared by taking in to account the rules issued and instructions issued in G.O.Ms.No. 154, dated. 04.05.2002 read with G.O.Ms.No. 748, dated. 30.08.2006 after finalization of seniority list and after circulation. If the applicant has got any grievance. It is always left open for the applicant to bring the same to the notice of the respondents herein. In view of the above, the impugned order issued in proceedings Rc.No. 22163/E1A/2005, dated. 05.09.2006 was set aside, and Dr. Y. Kiran Kumar should be deemed to be temporarily promoted from the date of earlier promotion order dated. 06.08.2004 in view of subsequent reversion orders having been set aside by this Tribunal in O.A.No. 7037/2005. In view of the above, the O.A is partly allowed. In view of this M.A. stands closed.

Consequent to the representation of the complainant, the then A.P., Vigilance Commissioner through his letter No. 3369/VC.E2/2011-1, dated. 10.05.2011 has forwarded the same to the Principal Secretary HM & FW department for taking necessary action in the matter.

Basing on the representation of the complainant, the officer on special duty A.P., State Commissioner for SCs & STs, Hyderabad, has addressed a letter in Rc.No. S2/2627/GTR/2011, dated. 23.06.2011 to the Principal Secretary HM & FW department and requested to examine the proposal pertaining to Dr. Y. Kiran Kumar and pass suitable orders.

Accordingly, the Government has issued memo No. 61102/A2/2011, dated. 07.07.2011 to the Director of Medical Education, A.P., Hyderabad calling for a detailed report on the matters relating to promotion panels of Asst. Professors as Associate Professors for the panel years 2003-04 and 2005-06.

Again the Government has issued memo No. 61102/A2/2011, dated. 18.08.2011 to the Director of Medical Education, A.P., Hyderabad calling for a detailed report on promotion panels of Asst. Professors as Associate Professors for the panel years 2003-04 and 2005-06.

Basing on the representation dated. 13.01.2012 of the complainant the Government has issued memo No. 2092/ROR1/2012, dated. 06.03.2012 to the Dr. R.V. Prasada Raju, Joint Director (Vigilance) O/o Commissioner of Social Welfare, Andhra Pradesh, Hyderabad to conduct enquiry into the subject of promotion issue of the complainant and to submit his report.

Accordingly, Joint Director (Vigilance) SW Department has conducted detailed enquiry by perusing the entire documentary evidence and submitted the following findings through his enquiry report dated 13.06.2012.

I. The DME has failed to maintain the Roster Register prior to 2005. The register maintained after 2005 is also not in-order and fixation of roster points for the previous doctors are not in-order.

II. Injustice was done to Dr. Kiran Kumar, in fixing his Roster point. Actually he is supposed to be at Roster Point No. 7 which is under in SC male category in the panel year 2004 and he has to be promoted as Associate Prof. from 06.08.2004 and subsequent promotional benefits have to be extended.

After a lengthy correspondence between the Director of Medical Education, A.P., Hyderabad and the Govt. of A.P., the DME has issued proceedings in Rc.No. 13301/E1A/2011, dated. 02.01.2013 which reads as follows.

However, in view of the Government orders in Government Memo No. 6110/A2/2011, HM & FW (A2) Dept., dated. 13.09.2012 and orders of the Hon'ble Tribunal dated. 26.12.2012 in O.A. No. 10241/2012, Dr. Y. Kiran Kumar, Associate Professor of General Surgery (now Professor of General Surgery) working at Guntur Medical College, Guntur was promoted notionally as Associate Professor of General Surgery w.e.f., 06.08.2004 for the panel year 2003-2004, duly placing his name at Roster Point No.7.

Perusal of file in Vol.II revealed that it is the court correspondence file and as per the file, the complainant has filed O.A. No. 10241/2012 before A.P.A.T., Hyderabad requesting the Tribunal for implementation of orders dated. 13.09.2012 of the Director of Medical Education. Aggrieved by the orders dated. 13.09.2012 in respect of the complainant, issued by the DME., A.P., Hyderabad Dr. G. Padmasri, Asst. Professor, GMC has also filed a O.A. No. 3537/2012 before A.P.A.T., Hyderabad. The Government has submitted para wise remarks to the O.A.s filed by the complainant and Dr. G. Padmasri in the A.P.A.T., Hyderabad.

Perusal of the file in Vol. No. III revealed that basing on the representation of Dr. Y. Kiran Kumar, the National Commission for a Schedule Castes, New Delhi through its letter No. AP/12/2014-APCR, dated. 07.10.2015 has addressed the Chief Secretary, Government of A.P., Hyderabad communicating the minutes of the Commission with the following recommendations.

"The Commission strongly recommends that this case should be re-examined. The persons responsible for preparing and producing false and fabricated documents should be punished as per Law. The Commission recommends that the finding of Joint Director, Vigilance report (Social Welfare Department), Govt. of AP., MH& FW memo No. 6110/A2/2011, dated. 13.06.2012 should be implemented in toto".

The Director of Medical Education, A.P., Hyderabad has addressed letter in Rc.No. 39472/E1.A/2014, dt. 29.09.2015 to the Special Chief Secretary to Government, HM&FW department, Government of A.P., Hyderabad marking a copy to the Section Officer, National Commission for Schedule Castes, Lok Nayak Bhavan, Khan Market, New Delhi informing that "the representation of Dr. Y. Kiran Kumar and the recommendation of the Commission for Scheduled Castes, New Delhi pertains to 2003-04 panel for promotion of Associate Professor of Surgery from Assistant Professor which was prior to the review of the promotions as per judgment of the Hon'ble Supreme Court of India. After review of promotions as per Supreme Court directions both in the cadre of Associate Professor and Professor, there is no change in the position of Dr. Y. Kiran Kumar. Now the commission for Scheduled Castes, New Delhi wants to implement the findings of Joint Director Vigilance report (Social Welfare Dept) Govt. of AP., which was also prior to review of promotions done as per Hon'ble Apex court of India and is against the Judgment of Hon'ble Apex Court".

Perusal of the note file in C.No. 6110/A1/2011 pertaining to the promotion issue of Dr. Y. Kiran Kumar revealed that it is maintained from 20.04.2011 till 04.12.2019. It is also revealed that on 16.07.2019 a note was submitted at page Nos. 101 and 102 basing on the endorsement of Special CS to CM in CMP. No. 67/SPL.CS/2019, dated. 03.07.2019 submitting that the National President, IDEAL, Dalith Employees Association has made a representation to the Government requesting to give notional promotion to Dr. Y. Kiran Kumar and this note was

submitted with a request to issue orders to DME to re-examine the notional promotion to Dr. Y. Kiran Kumar.

After the above note dated. 16.07.2019, another note dated 04.12.2019 was submitted vide para Nos. 285 to 306 basing on the representation of the complainant Dr. Y. Kiran Kumar addressed to the Chief Minister of Andhra Pradesh and the endorsement of the Additional Chief Secretary to CM., of A.P., vide CMP No. 1080/Addl. CS/2019, dated. 05.11.2019, received on 19.11.2019. Further perusal of the note file revealed that it was requested to circulate the file to Hon'ble CM to submit suitable reply to National Commission of Scheduled Caste and to send the file to Social Welfare (ROR) Department to offer their remarks on the justification of DME in not fixing roster point No.7 to Dr. Y. Kiran Kumar (the Complainant) in the first instance.

He further added that on 29.12.2020 it was informed to the HM & FW Dept., A.P. Secretariat by the Social welfare Dept. that the issue of fixing of notional seniority to Dr. Y. Kiran Kumar was entrusted to Director of Social Welfare,(Vig.) A.P. to review the enquiry report and the remarks of DSW are still awaited.

Sec. 161 Cr.P.C. Statement of the above witness is on record.

6) Sri Mudda Chinnapa Reddy S/O. Late Rama Krishna Reddy, 56 yrs, Deputy Secretary, Health, Medical & Family Welfare Department, A.P. Secretariat, Velagapudi.

On examination, he stated that he is working as Deputy Secretary in HM & FW Department from 10.05.2020. He corroborated the version of Witness No. 5 Sri Manthu Anjaneya Reddy, Section Officer in all material aspects and added that as per the A.P Secretariat Office Manual Part-I, Chapter –I at Sl.No.7, " the Additional Secretary /Joint Secretary/ Deputy Secretary occupies a position almost identical to that of the Secretary in regard to the subjects allocated to him and he can circulate files to the Chief Secretary, Minister-in-charge or other Ministers or Chief Minister or Governor like as per Secretariat instructions 8(e) i.e. in all cases where a file is sent by a Deputy Secretary, Draftsman, Joint Secretary, Additional Secretary, officer on special duty to Minister without submitting it to the Secretary, the file will have to pass through the Secretary on its return from the Minister. He exercises also the functions of an Assistant Secretary as described in the next paragraph.

The Special Secretary/Principal Secretary/Secretary of the Department remains responsible for the subjects allotted to the Additional Secretary /Joint Secretary/ Deputy Secretary. The latter consults the Special Secretary/Principal Secretary/Secretary on cases dealing with important questions of principle or any other cases, which he considers to be of special importance."

He added that in such cases wherein the representations of the individuals are received from the higher-ups i.e. from the Peshi of Hon'ble CM or Hon'ble minister from HM & FW, during non-availability of the Secretary, the Deputy Secretary himself will process the representation through section staff i.e. Section Officer or Asst. Section Officer and put up reply to the dignitaries through the Secretary.

Sec. 161 Cr.P.C. Statement of the above witness is on record.

7)Sri Haridasu Srinivas s/o Subbaiah, 52 years, Grade-II Head Master, Z.P.H.School, Inumella (v), Ipuru (m), Guntur district, r/o Flat No.205, Krishnadeepika Enclave, 3rd lane, Venkataramana Colony extension, Guntur, Cell: 9885193806, 7901242506.

8) Sri Bhukya Nanda Kumar s/o Bhukya Naik, 41years, School Assistant, Physical Education, Z.P.H.School, Koyavaripalem (v), Prathipadu (m), Guntur District, r/o D.No.20-5-421, Sai Dharani Enclave, 4th Floor, Muthyalareddinagar, 8th lane, Guntur, Cell: 8125101336, 7981544435.

Witness Nos. 7 and 8 are the mediators to the arrest of the Accused Officer on 29.10.2020 who have drafted the mediators report at the office of the Addl.S.P., ACB, Guntur District.

DOCUMENTARY EVIDENCE :

Following is the documentary evidence available to substantiate the allegation against the Government Servant

1) Statement dt. 23.12.2019 of the complainant Dr. Y. Kiran Kumar.

It reveals the facts of demand and acceptance of bribe of Rs.50,000/- by the Government Servant for doing an official favour of processing the representation of the complainant for the implementation of the recommendations of the Vigilance Joint director (Social Welfare), Govt. of A.P. and the Hon'ble National commission for Scheduled Castes, Govt. of India, New Delhi with regard to the promotion of the complainant.

2) FIR in Cr.No. 01/RCO-ACB-GNT/2020 U/S. 7(a) of Prevention of Corruption (Amendment) Act, 2018 and 506 IPC dt. 06.01.2020 of ACB, Guntur District.

It reveals that a statement of the complainant was recorded with regard to the demand and acceptance of bribe of Rs.50,000/- by the Government Servant

3) **Copy of File in C.No. 6110/A1/2011 Volume-I pertaining to the promotion in respect of Dr. Y. Kiran kumar, Complainant in this case.**

On perusal of the same it is revealed that this file contains pages 1 to 408 and it is the correspondence file pertaining to the subject of promotion to Dr. Y. Kiran Kumar. Further perusal revealed on 31.03.2011 the complainant Dr. Y. Kiran Kumar, Professor of Surgery, Guntur Medical College, Guntur has submitted his representation to the DME, A.P., Hyderabad alleging that many irregularities were committed in implementing the roster points in the list of candidates for the promotion as Associate Professor in the panel years 2003-04, 2005-06, further alleging his name which has to be fixed at roster point No.7 was not fixed and much injustice was caused to him and finally requested to allocate roster point No.7 to him in the panel years 2003-04, 2005-06.

The complainant enclosed the copy of orders of the DME, A.P., Hyderabad vide proceedings in R.C.No. 22163/E1-A/2006, dt. 05.09.2006 wherein the name of the complainant was placed at Sl.No. 15 in the list of candidates i.e., Asst. Professors of Surgery promoted as Associate Professors of General Surgery.

The complainant also enclosed the order dated. 30.12.2009 in O.A. No. 1777 of 2009 with M.A.No 1725/2009 filed by the Complainant before the A.P.A.T., Hyderabad. Perusal of the order reads that "as the reversion orders of the applicant dated. 09.06.2009 has already been set aside by the Tribunal in O.A. No. 7037/2005 by an order dated. 25.04.2006. The applicant should be deemed to continued as Associate Professor in view of promotion orders dated. 06.08.2004 and inclusion of applicant's name in the impugned order is not at all required. Hence, the said name is quashed from the impugned order dated. 05.09.2006 and the applicant should be deemed to have been continued as Associate Professor from 06.08.2004 as promotions were temporarily given and that cannot be taken into account for finalizing seniority. In view of the respondents stating that seniority list have been prepared by taking in to account the rules issued and instructions issued in G.O.Ms.No. 154, dated. 04.05.2002 read with G.O.Ms.No. 748, dated. 30.08.2006 after finalization of seniority list and after circulation. If the applicant has got any grievance. It is always left open for the applicant to bring the same to the notice of the respondents herein. In view of the above, the impugned order issued in proceedings Rc.No. 22163/E1A/2005, dated. 05.09.2006 is set aside, and he should be deemed to be temporarily promoted from the date of earlier

promotion order dated. 06.08.2004 in view of subsequent reversion orders having been set aside by this Tribunal in O.A.No. 7037/2005. In view of the above, the O.A is partly allowed. In view of this M.A. stands closed.

The copy of above representation of the complainant, the then A.P., Vigilance Commissioner through his letter No. 3369/VC.E2/2011-1, dated. 10.05.2011 has forwarded the same to the Principal Secretary HM & FW department for taking necessary action in the matter.

Basing on the representation of the complainant the officer on special duty A.P., State Commissioner for SCs & STs, Hyderabad, has addressed in letter in Rc.No. S2/2627/GTR/2011, dated. 23.06.2011 to the Principal Secretary HM & FW department and requested to examine the proposal and pass suitable orders.

Accordingly, the Government has issued memo No. 61102/A2/2011, dated. 07.07.2011 to the Director of Medical Education, A.P., Hyderabad calling for the detail report on records relating to promotion panels of Asst. Professors as Associate Professors for the panel years 2003-04 and 2005-06.

Again the Government has issued memo No. 61102/A2/2011, dated. 18.08.2011 to the Director of Medical Education, A.P., Hyderabad calling for the detail report on records relating to promotion panels of Asst. Professors as Associate Professors for the panel years 2003-04 and 2005-06.

Basing on the representation dated. 13.01.2012 of the complainant the Government has issued memo No. 2092/ROR1/2012, dated. 06.03.2012 to the Dr. R.V. Prasada Raju, Joint Director (Vigilance) O/o Commissioner of Social Welfare, Andhra Pradesh, Hyderabad to conduct enquiry into the subject of promotion to the complainant and to submit his report.

Accordingly, Joint Director (Vigilance) SW Department has conducted detailed enquiry by perusing the entire documentary evidence and submitted the following findings through his enquiry report dated 13.06.2012.

III. The DME has failed to maintain the Roster Register prior to 2005. The register maintained after 2005 is also not in-order and fixation of roaster points for the previous doctors are not in-order.

IV. Injustice is done to Dr. Kiran Kumar, in fixing his Roster point. Actually he is supposed to be at Roster Point No. 7 which is mentioned in SC male in the panel year 2004 and his seniority has to be promoted as Associate Prof. from 06.08.2004 and subsequent promotional benefits have to be extended.

However in view of the Government orders in Government Memo No. 6110/A2/2011, HM & FW (A2) Dept., dated. 13.09.2012 and orders of the Hon'ble Tribunal dated. 26.12.2012 in O.A. No. 10241/2012, Dr. Y. Kiran Kumar, Associate Professor of General Surgery (now Professor of General Surgery) working at Guntur Medical College, Guntur was promoted notionally as Associate Professor of General Surgery w.e.f., 06.08.2004 for the penal year 2003-2004, duly placing his name at Roster Point No.7.

4) Copy of File in C.No. 6110/A1/2011 Volume-II pertaining to the promotion in respect of Dr. Y. Kiran kumar, Complainant in this case containing page Nos. 409-736.

As the above order was not implemented, the complainant has filed O.A. No. 10241/2012 before A.P.A.T., Hyderabad requesting the Tribunal for implementation of orders dated. 13.09.2012 of the Director of Medical Education.

Aggrieved by the orders dated. 13.09.2012 in respect of the complainant, issued by the DME., A.P., Hyderabad Dr. G. Padmasri, Asst. Professor, GMC has also filed a O.A. No. 3537/2012 before A.P.A.T., Hyderabad.

The Government has filed para wise remarks to the O.A.s filed by the complainant and Dr. G. Padmasri in the A.P.A.T., Hyderabad.

5) Copy of File in C.No. 6110/A1/2011 Volume-III pertaining to the promotion in respect of Dr. Y. Kiran kumar, Complainant in this case containing page Nos. 737-1297.

Basing on the representation of Dr. Y. Kiran Kumar, a National Commission for a Schedule Castes, New Delhi through its letter No. AP/12/2014-APCR, dated. 07.10.2015 has addressed the Chief Secretary, Government of A.P., Hyderabad communicating the minutes of the Commission with the following recommendations.

"The Commission strongly recommends that this case should be re-examined. The persons responsible for preparing and producing false and fabricated documents should be punished as per Law. The Commission recommends that the finding of Joint Director, Vigilance report (Social Welfare Department), Govt. of AP., MH& FW memo No. 6110/A2/2011, dated. 13.06.2012 should be implemented in toto".

The Director of Medical Education, A.P., Hyderabad has addressed letter in Rc.No. 39472/E1.A/2014, dt. 29.09.2015 to the Special Chief Secretary to Government, HM&FW department, Government of A.P., Hyderabad marking a copy to the Section Officer, National Commission for Schedule Castes, Lok Nayak Bhavan, Khan Market, New Delhi informing that "the representation of Dr. Y. Kiran Kumar and the recommendation of the Commission for Scheduled Castes, New Delhi is pertains to 2003-04 panel for promotion of Associate Professor of Surgery from Assistant Professor which was prior to the review of the promotions as per judgment of the Hon'ble Supreme Court of India. After review of promotions as per Supreme Court directions both in the cadre of Associate Professor and Professor, there is no change in the position of Dr. Y. Kiran Kumar. Now the commission for Scheduled Castes, New Delhi wants to implement the findings of Joint Director Vigilance report (Social Welfare Dept) Govt. of AP., which was also prior to review of promotions done as per Hon'ble Apex court of India and is against the Judgment of Hon'ble Apex Court".

6) copy of File in C.No. 6110/A1/2011 Volume-III pertaining to the promotion in respect of Dr. Y. Kiran kumar, Complainant in this case.

This is the miscellaneous file containing the correspondence with regard to the promotion issue of the complainant.

It is found in the four files that one Dr.G. Raja Sundara Babu, Founder of Ideal Dalith Employees Association, Guntur has represented to many dignitaries many times in support of the complainant in this case.

7) copy of Note File in C.No. 6110/A1/2011 in respect of Dr. Y. Kiran Kumar (Complainant)

Perusal of the note file revealed that it is maintained from 20.04.2011 till 04.12.2019 which is also revealed that on 16.07.2019 a note was submitted at page Nos. 101 and 102 wherein the note was submitted basing on the endorsement of Special CS to CM in CMP. No. 67/SPL.CS/2019, dated. 03.07.2019 submitting that the National President, IDEAL, Dalith Employees Association has made a representation before the Government requesting to give notional promotion to Dr. Y. Kiran Kumar and this note was submitted with request to issue orders to DME to re-examine the notional promotion to Dr. Y. Kiran Kumar.

After the above noted dated. 16.07.2019, a note dated 04.12.2019 was submitted vide para Nos. 285 to 306 basing on the representation of the complainant Dr. Y. Kiran Kumar addressed to the Chief Minister of Andhra Pradesh and the endorsement of the Additional Chief Secretary to CM., of A.P., vide CMP No.

1080/Addl. CS/2019, dated. 05.11.2019, received on 19.11.2019. Further perusal of the note file revealed that it was requested to circulate the file to Hon'ble CM to file suitable reply to National Commission of Scheduled Caste and to send the file to Social Welfare (ROR) Department to offer their remarks on the justification of DME in not fixing roster point No.7 to Dr. Y. Kiran Kumar (the Complainant) in the first instance.

Further perusal of the note at Page Nos. 99 to 102 revealed that the Government Servant in the capacity of Asst. Secretary and Deputy Secretary to Govt., MH & FW Department has dealt with the file of the complainant as per the endorsement of the Spl. C.S. to CM in CMP No.67/Spl.C.S./2019 dt. 03.07.2019 on the representation of National President of Dalith Employees Association (1) to give notional seniority to the complainant as per the Vigilance enquiry report and order of National Commission for SCs, New Delhi with consequential seniority (G.O.Ms.No.26.SW Dept.) and (ii) to post the complainant in General Surgery Department at GGH, Guntur. There are signatures of the Government Servant in note file Page Nos.100 under dt. 26.06.2018 in the capacity of Asst. Secretary and at page No.102 under dt. 16.07.2019 in the capacity of Deputy Secretary.

Note file further revealed that on 29.12.2020 it was noted that the HM & FW Dept., A.P. Secretariat was informed by the Social welfare Dept. that the issue of fixing of notional seniority was entrusted to Director of Social Welfare,(Vig.) A.P. to review the enquiry report and the remarks of DSW are still awaited.

The perusal of the above note file clearly revealed that as on the date of demand and acceptance of bribe of Rs. 50,000/- by the A.O from the complainant i.e., by 4/5.11.2019 and 20.11.2019, the file pertaining to the complainant was very much pending with the section to which the A.O (Deputy Secretary, HM & FW) was in-charge. Thus, the official favour in respect of the complainant was pending with the Government Servant.

8) Copy of the endorsement of Chief Minister's Office in CMP No. 1080/Addl. CS/2019, dated. 05.11.2019 along with its enclosure.

Perusal of the same revealed that the representation dated. 04.11.2019 addressed to the Hon'ble CM of A.P., and the representation dated. 04.11.2019 of a National President, IDEA were forwarded to the Principal Secretary to Government, HM & FW Department, A.P., Secretariat, Velagapudi with the following endorsement "Please find enclosed herewith a representation received from Dr. Y. Kiran Kumar, professor of Surgery, DME, Old Govt. General Hospital, Vijayawada addressed to Hon'ble Chief Minister, requesting for implementation of Vigilance Joint Director's SWD report and Hon'ble National Commission for Scheduled Castes, Govt., judgment dt. 22.06.2015 in case No. AP/12/2014-APCR. The request may be examined and circulate the file with a detailed note".

9) Statement of the complainant Dr. Y. Kiran Kumar recorded U/S.164 Cr.P.C.

It corroborates the statement of the complainant registered as FIR in this case and his statement recorded U/S. 161 Cr.P.C. during the course of investigation.

10) Statement of LW. 2. Sri Mandagani Mahesh recorded U/S.164 Cr.P.C.

It corroborates the statement of LW.2 recorded U/S. 161 Cr.P.C. during the course of investigation.

11) C.D. submitted by the complainant along with his statement.

It corroborates the statement of the complainant which is formed as FIR in this case.

12) Sec.65-B IEA Certificate obtained from the complainant.

The complainant issued a certificate U/S. 65 B of Indian Evidence Act that he recorded the conversations between him and Sri S.Erimiya Raju (Government Servant) that took place on 4.11.2019 and 20.11.2019 (Video files) and on 4/5.11.2019 in the car (Audio File) and transferred the recorded contents in a CD and the contents in the CE are true re-production of the original data recorded through CC camera filled in the OP room of his wife and his mobile phone.

Thus, the Government Servant Sri Salagala Erimiya Raju, Deputy Secretary to Government, G.A. (Elections) Department, formerly HM & FW Department, AP Secretariat, Velagapudi by his above mentioned acts exhibited lack of devotion to duty, failed to maintain integrity, behaved in a manner unbecoming of a Govt. Servant and brought down the prestive of the Government and thereby violated/contravened Rules 3(1) & 3(2) of APCS (Conduct) Rules, 1964.

Therefore, the Government Servant rendered himself liable for regular departmental enquiry for major penalty.

Dr. K.S. JAWAHAR REDDY
CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER (SC)

ANNEXURE-III

List of Witnesses:

S. No.	Name and address of the witness	The gist of the statement.
1	LW-1: Dr. Yekula Kiran Kumar, s/o. Late Raja Rao, aged 57 years, Professor of Surgery, Old Government General Hospital, Vijayawada C/O. Dr. K. Vanaja, KIMS Hospital, Old Club Road, 5th Lane, Gunturi Vari Thota, Guntur. Cell No. 9848136173.	He is the complainant in this case. He speaks about his complaint, Dt. 23.12.2019, and speaks to the facts of his 161 & 164 Cr. P.C. Statement etc., facts.
2	LW-2: Sri Mandagani Mahesh s/o Yogaiah, aged 25 years, near Gandhi Bomma Center, Old Guntur, Compounder C/O. KIMS Hospital, Old Club Road, 5th Lane, Gunturi Vari Thota, Guntur. Cell No. 9100155053.	He is working as Compounder working the LW-1's Hospital cum House and he is the Eye witness to the offence, he speaks about the arrival of AO and acceptance of bribe.
3	LW-3: Sri Rudramalla Anand Mohan s/o Abraham Das (Late) 41 years, R/o 16-5-125/t, Christianpet, Behind RTC bus stand, Old Guntur Phone No. 9346695873.	He speaks to the version of LW-1 in all aspects and is also an eyewitness to the acceptance of the bribe by the GS.
4	LW-4: Dr. K. Vanaja W/O. Dr. Y. Kiran Kumar, Managing Director, KIMS Hospital, Old Club Road, 5th Lane, Gunturi Vari Thota, Guntur.	She is the wife of the Complainant and speaks to the version of LW-1 in all aspects.
5	LW-5: Sri Manthu Anjaneya Reddy S/o Subba Reddy, 41 yrs, Section Officer, A-Section, Health, Medical and Family Welfare Department, A.P. Secretariat, Velagapudi.	He speaks to the note file in C.No. 6110/A1/2011 pertaining to the promotion issue of Dr. Y. Kiran Kumar.
6	LW-6:__Sri Mudda Chinnapa Reddy S/o Late Rama Krishna Reddy, 56 yrs, Deputy Secretary, Health, Medical & Family Welfare Department, A.P. Secretariat, Velagapudi.	He speaks to the note file in C.No. 6110/A1/2011 pertaining to the promotion issue of Dr. Y. Kiran Kumar.
7	LW-7: Sri Panakala Thrimurthulu S/o Rama Mohana Rao, 55 years, Section Officer, HM & FW Department, A.P., Secretariat, Velagapudi R/o Plot No. 464, Secretariat Hills, Nekkampur Village of Gandipet Mandal, Ranga Reddy District of Telangana State, cell No. 9949794579.	He speaks to the note file in C.No. 6110/A1/2011 pertaining to the promotion issue of Dr. Y. Kiran Kumar.

8	LW-8: Sri Haridasu Srinivas s/o Subbaiah, 52 years, Grade-II Head Master, Z.P.H.School, Inumella (v), Ipuru (m), Guntur district, r/o Flat No.205, Krishnadeepika Enclave, 3rd lane, Venkataramana Colony extension, Guntur,	To speak to the facts of having deputed to the ACB office by their controlling authority, their participation are the mediators to the arrest of the Accused Officer on 29.10.2020 who have drafted the mediators report at the office of the Addl.S.P., ACB, Guntur District.
9	LW-9: Sri Bhukya Nanda Kumar s/o Bhukya Naik, 41years, School Assistant, Physical Education, Z.P.H.School, Koyavaripalem (v), Prathipadu (m), Guntur District, r/o D.No.20-5-421, Sai Dharani Enclave, 4th Floor, Muthyalareddinagar, 8th lane, Guntur.	
10	LW-10: Smt. B. Radha Rani, Hon'ble Judge of V Addl. Junior Civil Judge Court, Guntur.	To speak to the recording of the statement of LW-1 & LW-2 U/s 164 Cr.P.C.
11	LW-11: Sri G. Sridhar, Inspector, Range-II, ACB, Guntur District.	To speak to the investigation, arrest of GS, recording the statements of LWs-1 to 6, filing of charge sheet and etc facts.
12	LW-12: Sri B. Nagaraju, Inspector, Range-II, ACB, Guntur District.	To speak to the filing of the DACs and etc., facts.
13	Any other witness that may be produced during the course of enquiry	To speak in favour of prosecution

Dr. K.S. JAWAHAR REDDY
CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER (SC)

Annexure-IV

List of Documents:

S. No	Particulars of Document	Gist of Evidence
1.	Complaint, Dt: . 23.12.2019 of the complainant Dr. Yekula Kiran Kumar, s/o. Late Raja Rao, aged 57 years, Professor of Surgery, Old Government General Hospital, Vijayawada C/O. Dr. K. Vanaja, KIMS Hospital, Old Club Road, 5th Lane, Gunturi Vari Thota, Guntur.	It shows that the demand of bribe Rs. 10,00,000 and acceptance of bribe of Rs. 50,000/- by the AO for doing the official favour of processing the representation of the complainant for the implementation of the recommendations of the Vigilance Joint director (Social Welfare), Govt. of A.P. and the Hon'ble National commission for Scheduled Castes, Govt. of India, New Delhi with regard to the promotion/notional seniority of the complainant
2.	FIR in Cr.No. 01/RCO-ACB-GNT/2020 U/S. 7(a) of Prevention of Corruption (Amendment) Act, 2018 and 506 IPC dt. 06.01.2020 of ACB, Guntur District.	It shows that a report was received from LW-1 against the AO with regard to the demand for bribe of Rs. 10,00,000/-, and accepting bribe of Rs. 50,000/- from the Complainant and verified the antecedents of the complaint and the AO and registration of the case against the AO and etc., facts.
3.	Copy of File in C.No. 6110/A1/2011 Volume-I pertaining to the promotion in respect of Dr. Y. Kiran kumar, Complainant in this case.	It revealed that the file is the correspondence file pertaining to the subject of promotion to Dr. Y. Kiran Kumar. Further perusal revealed on 31.03.2011 the complainant Dr. Y. Kiran Kumar, Professor of Surgery, Guntur Medical College, Guntur has submitted his representation to the DME, A.P., Hyderabad alleging that many irregularities were committed in implementing the roster points in the list of candidates for the promotion as Associate Professor in the panel years 2003-04, 2005-06, further alleging his name which has to be fixed at roster point No.7 was not fixed and much injustice was caused to him and finally requested to allocate roster point No.7 to him in the panel years 2003-04, 2005-06.
4.	Copy of File in C.No. 6110/A1/2011 Volume-II pertaining to the promotion in respect of Dr. Y. Kiran kumar, Complainant in this case containing page Nos. 409-736.	It shows that the complainant has filed O.A. No. 10241/2012 before A.P.A.T., Hyderabad requesting the Tribunal for implementation of orders dated. 13.09.2012 of the Director of Medical Education. Aggrieved by the orders dated. 13.09.2012 in respect of the complainant, issued by the DME., A.P., Hyderabad Dr. G. Padmasri, Asst. Professor, GMC has also filed a O.A. No. 3537/2012 before

		A.P.A.T., Hyderabad. The Government has filed para-wise remarks to the O.A.s filed by the complainant and Dr. G. Padmasri in the A.P.A.T., Hyderabad.
5.	Copy of File in C.No. 6110/A1/2011 Volume-III pertaining to the promotion in respect of Dr. Y. Kiran kumar, Complainant in this case containing page Nos. 737-1297.	It shows the report of the Enquiry Commission that, "The Commission strongly recommends that this case should be re-examined. The persons responsible for preparing and producing false and fabricated documents should be punished as per Law. The Commission recommends that the finding of Joint Director, Vigilance report (Social Welfare Department), Govt. of AP., MH& FW memo No. 6110/A2/2011, dated. 13.06.2012 should be implemented intoto".
6.	copy of File in C.No. 6110/A1/2011 Volume-III pertaining to the promotion in respect of Dr. Y. Kiran kumar, Complainant in this case.	It Contains that, one Dr.G. Raja Sundara Babu, Founder of Ideal Dalith Employees Association, Guntur has represented to many dignitaries many times in support of the complainant in this case.
7.	copy of Note File in C.No. 6110/A1/2011 in respect of Dr. Y. Kiran Kumar	It is the note file that clearly revealed that as on the date of demand and acceptance of bribe of Rs. 50,000/- by the A.O from the complainant i.e., by 4/5.11.2019 and 20.11.2019, the file pertaining to the complainant was very much pending with the section to which the A.O (Deputy Secretary, HM & FW) was in-charge. Thus, the official favour in respect of the complainant was pending with the G.S.
8.	Copy of the endorsement of Chief Minister's Office in CMP No. 1080/Addl. CS/2019, dated. 05.11.2019 along with its enclosure.	It shows the endorsement of CMO that "Please find enclosed herewith a representation received from Dr. Y. Kiran Kumar, professor of Surgery, DME, Old Govt. General Hospital, Vijayawada addressed to Hon'ble Chief Minister, requesting for implementation of Vigilance Joint Director's SWD report and Hon'ble National Commission for Scheduled Castes, Govt., judgment dt. 22.06.2015 in case No. AP/12/2014-APCR. The request may be examined and circulate the file with a detailed note".
9.	Statement of the complainant Dr. Y. Kiran Kumar recorded U/S.164 Cr.P.C. Dt. 18.01.2020	It corroborates the facts of the complaint and corroborates the version of LW-1 in all aspects.
10.	Statement of LW. 2. Sri Mandagani Mahesh U/S.164 Cr.P.C. Dt. 29.02.2020.	It corroborates the facts of the complaint and corroborates the version of LW-1 in all aspects.
11.	Certificate U/s 65-B of the Indian Evidence Act issued by the	Certified by the Complainant, that he recorded the conversations between him and Sri S.Erimiya Raju (GS) that

	Complainant.	took place on 4.11.2019 and 20.11.2019 (Video files) and on 4/5.11.2019 in the car (Audio File) and transferred the recorded contents in a CD and the contents in the CE are true re-production of the original data recorded through CC camera filled in the OP room of his wife and his mobile phone.
12.	Job Chart of Deputy Secretary.	It was furnished by the Special Chief Secretary to the Government, HW &FM, A.P., Secretariat, Velagapudi.
13.	Sec. 161 Cr.P.C. statements of LWs- 3 to 6.	They will speak about the procedural aspects and official favour pending with the AO and etc., facts.
14.	Any other document that will be produced at the time of enquiry	To speak in favour of prosecution

Dr. K.S. JAWAHAR REDDY
CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER (SC)